

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 19 of 1998

in

SPECIAL CIVIL APPLICATION No 7090 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and
MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

AHMEDABAD MUNICIPAL CORPORATION

Versus

MANILAL PURSHOTTAMDAS SADHU

Appearance:

MR HS MUNSHAW for Appellant
MR TR MISHRA for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA and
MR.JUSTICE J.R.VORA

Date of decision: 07/07/98

ORAL JUDGEMENT

Admit. Mr. T.R. Mishra waives service on behalf of the respondent. On the request of both the sides Appeal is taken up for final hearing right today.

The respondent herein was working as a watchman under Ahmedabad Municipal Corporation at crematorium. In

the year 1987 he preferred an Application under S.33-C(2) of the Industrial Disputes Act being Recovery Application No.4818 of 1987 for the payment of overtime for four hours a day for the period on and from 22.8.74 to 30.12.79. The Labour Court allowed the aforesaid Recovery Application on 22.8.97 directing the Ahmedabad Municipal Corporation to pay an amount of Rs.38,262/with 12% simple interest thereon as well as costs of Rs.150/to the respondent - workman. Against this order dated 22.8.97 Ahmedabad Municipal Corporation preferred Special Civil Application No.7090 of 1997 and the learned single Judge dismissed the Special Civil Application by judgment and order dated 12.12.97.

During the course of arguments, it was stated by Mr. Munshaw that the respondent - workman is at least not entitled to interest because for the period ending the year 1979 he himself had preferred the claim as late as in 1987. Mr.Mishra appearing for the respondent -workman states that he is prepared to forgo the interest awarded by the Labour Court at the rate of 12% as also the cost of Rs.150/-. In this view of the matter Mr. Munshaw seeks to withdraw this Letters Patent Appeal and in our opinion rightly so. Accordingly the Award dated 22.8.97 passed by the Labour Court shall stand modified with regard to the interest and the cost of Rs.150/- and the respondent workman shall be entitled only to the amount of Rs.38,262/- and the respondent - workman would not claim either the interest or the cost of Rs.150/- as ordered by the Labour Court. In this view of the matter, this Letters Patent Appeal is sought to be withdrawn and the same is hereby dismissed as withdrawn. Notice discharged. No order as to costs.